

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
July 15, 2015

REGULAR MEETING

Darien Town Hall - Room 206 – 7:48 to 10:07 PM

ZBA members present: Gary Greene, Rich Wood, Jeff Williams, Ruth Anne Ramsey and Mike Nedder

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Chair Gary Greene opened the meeting at 7:48 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 35-2015 - the application of Scott Church on behalf of LTB Properties submitted on May 20, 2015 for an interpretation of Section 385 and variances of Sections 334, 904 and 226 of the Darien Zoning Regulations; to allow the construction of a two and one-half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 90.00 in lieu of 100.0 feet minimum required lot width and can be properly developed with adequate related site improvements; Section 334: construction on a portion of the lot with 90.0 in lieu of 100.0 feet minimum required lot width; and Sections 904 and 226: installation of parking with 20.5 in lieu of 24.0 feet minimum required backup space. The property is situated on the east side of Brookside Road approximately 100 feet north of the intersection with Bates Farm Lane and is shown on Assessor's Map #14 as Lot #26, being 74 Brookside Road and located in an R-1/2 (residential) Zone.

Architect Patsy Gill answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbors Anita &

Chuck Ledsinger questioned various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 37-2015 - the application of Paul Harris and Cole Harris Associates on behalf of 7 Wild Rose Lane L.L.C. submitted on June 16, 2015 for an interpretation of Section 385 and variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow the construction of essentially a replacement two story house with AC equipment; Section 385: a determination that the subject lot is a legal nonconforming building lot with 10,888 in lieu of 43,560 square feet minimum required lot size; 92.2 in lieu of 150.0 feet minimum required lot width and 110.2 in lieu of 150.0 feet minimum required lot depth and can be properly developed with adequate related site improvements; Section 334: construction on a portion of the building lot with 92.2 in lieu of 150.0 feet minimum required lot width and 110.2 in lieu of 150.0 feet minimum required lot depth; Section 406: 19.3 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Clock's Lane; 26.2 in lieu of 40.0 feet minimum required Wild Rose Lane front yard setback, 36.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Wild Rose Lane, and 14.1 in lieu of 25.0 feet minimum required west side yard setback. The property is situated on the south side of Wild Rose Lane at the intersection with Clock's Lane and is shown on Assessor's Map #64 as Lot #57, being 7 Wild Rose Lane and located in an R-1 (residential) Zone.

Architects Paul Harris and Randy Hinkles answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbors Ryan Tie, Greg Romano and Lauren Chisholm expressed their support and concerns for the application. The Public Hearing was then closed.

CALENDAR NO. 38-2015 - the application of Paul Harris and Cole Harris Associates on behalf of 14 Clock's Lane L.L.C. submitted on June 16, 2015 for an interpretation of Section 385 and variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow the construction of essentially a replacement two story house with AC equipment; Section 385: a determination that the subject lot is a legal nonconforming building lot with 19,544 in lieu of 43,560 square feet minimum required lot size and 82.0 in lieu of 150.0 feet minimum required lot depth and can be properly developed with adequate related site improvements; Section 334: construction on a portion of the building lot with 82.0 in lieu of 150.0 feet minimum required lot depth; and Section 406: 36.6 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Clock's Lane and 7.7 in lieu of 40.0 feet minimum required rear yard setback. The subject property is located on the southeast corner of the intersection formed by Clock's Lane and Wild Rose Lane and is shown on Assessor's Map #64 as Lots #60 & #61, being 14 Clock's Lane and located in an R-1 (residential) Zone.

Architects Randy Hinkles and Paul Harris answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbors Ryan Tie, and Greg Romano expressed their support and concerns for the application. The Public Hearing was then closed.

CALENDAR NO. 39-2015 - the application of Peter & Sarah Appel submitted on June 17, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and two story additions; Section 406: 8.6 in lieu of 11.8 feet minimum required south side yard setback. The property is situated on the east side of Ridgeley Street approximately 120 feet north of the intersection with West Avenue and is shown on Assessor's Map #22 as Lot #19, being 27 Ridgeley Street and located in an R-1/5 (residential) Zone.

Sarah Appel answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 40-2015 - the application of Courtney Jones Hrycay & William Hrycay submitted on June 17, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a covered front porch; Section 406: 30.1 in lieu of 40.0 feet minimum required front yard setback. The property is situated on the west side of the west loop of Colony Road approximately 600 feet southwest of the intersection with Middlesex Road and is shown on Assessor's Map #23 as Lot #132, being 14 Colony Road and located in an R-1/2 (residential) Zone.

Courtney Hrycay answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 41-2015 - the application of William I. Haslun II, Esq. and Johnson, Haslun & Hogeman LLC on behalf of Giovanni's at Water's Edge and PR Partnership LLC submitted on June 19, 2015 for variances of Sections 381-387, 406, and 904 of the Darien Zoning Regulations; to allow the construction of a one story entry canopy addition; and modification of the front dropoff, parking, and landscape areas; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 0.5 in lieu of 30.0 feet minimum required front yard setback; and Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking

quantity. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

Architect Jozsef Solta, Joanne Latoracca and Landscape Architect Doug Reich answered various questions and explained the proposal depicted on the submitted plans and described in the application materials.

The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on September 9, 2015.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 35-2015 - The application of Scott Church on behalf of LTB Properties, 74 Brookside Road. Upon a motion by Ruth Anne Ramsey, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variances.

CALENDAR NO. 37-2015 - The application of Paul Harris and Cole Harris Associates on behalf of 7 Wild Rose Lane L.L.C., 7 Wildrose Lane. Upon a motion by Ruth Anne Rasmey, seconded by Mike Nedder, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variances. Those voting in favor of the motion were Ruth Anne Ramsey, Mike Nedder, Jeff Williams and Rich Wood. Gary Greene was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is granted with stipulations.

CALENDAR NO. 38-2015 - The application of Paul Harris and Cole Harris Associates on behalf of 14 Clock's Lane L.L.C., 14 Clock's Lane. Upon a motion by Mike Nedder, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variances.

CALENDAR NO. 39-2015 - The application of Peter & Sarah Appel, 27 Ridgeley Street. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 40-2015 - The application of Courtney Jones Hrycay & William Hrycay, 14 Colony Road. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested amendment to the approved plans of Calendar No. 60-2014, T.G. Diners LLC, 275 Boston Post Road.

The ZBA determined that the applicant would need to submit a new application.

Requested interpretation of the Resolution of Calendar No. 7-2015, Heidi & Jordan Davis, 134 Holmes Avenue.

This matter was tabled until the next scheduled meeting.

Requested six month extension, received July 6, 2015, to obtain all required permits and begin on-site construction for ZBA Calendar No. 56-2014, First Congregational Church of Darien, 11 Brookside Road. The Public Hearing of this matter was November 12, 2014. Initial ZBA approval expired on May 21, 2015.

The ZBA determined that the applicant would need to submit a new application.

Approval of Minutes of meeting on May 13, 2015. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

This matter was tabled until the next scheduled meeting.

Possible amendment of project plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.

This matter was tabled until the next scheduled meeting.

Discussion of subcommittee work with a Planning and Zoning Commission subcommittee on recommended Zoning Regulation changes.

This matter was tabled until the next scheduled meeting.

Discussion of Verrillo v. Branford ZBA Appellate Court decision.

This matter was tabled until the next scheduled meeting.

General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/ staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.

This matter was tabled until the next scheduled meeting.

ADJOURNMENT

Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, and a ZBA vote of 5-0, the meeting was adjourned at 10:07 PM.

These Meeting Minutes,
Respectfully submitted July 17, 2015,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Gary Greene, seconded by Mike Nedder, approved by a vote of 4-0 at the ZBA meeting on September 16, 2015. Gary Greene, Mike Nedder, Ruth Anne Ramsey and Rich Wood voted in favor of the motion.